

MADAGASCAR'S COUNTRY NARRATIVE IN THE 2007 TIP (TRAFFICKING IN PERSON) REPORT:

----- MADAGASCAR (TIER 2) -----

Madagascar is a source country for children trafficked internally for the purposes of forced labor and sexual exploitation. Trafficking of rural children is suspected for forced mining, domestic servitude, prostitution, and forced labor for traveling fruit vendors. A child sex tourism problem exists in coastal cities, namely Tamatave, Nosy Be, and Diego Suarez, with a significant number of children prostituted; some were recruited in Antananarivo, the capital, under false pretenses of employment as waitresses and maids before being exploited in the commercial sex trade on the coast. Child sex trafficking with the complicity of family members, taxi and rickshaw drivers, friends, tour guides, and hotel workers was reported.

The Government of Madagascar does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made advances in legislative reforms that protect children from sex trafficking while punishing their exploiters and took steps to punish foreign tourists who allegedly exploited children in Madagascar. To further enhance its anti-trafficking efforts, the government should pass and enact a comprehensive anti-trafficking law, institute an official process for law enforcement officials to refer trafficking victims for assistance, and investigate and prosecute public officials suspected of colluding with traffickers or accepting bribes to overlook trafficking crimes.

Prosecution -----

Madagascar's anti-trafficking law enforcement efforts improved during the reporting period. Madagascar's laws do not prohibit trafficking for commercial sexual exploitation, but traffickers are currently prosecuted under various provisions prohibiting procurement of minors for prostitution, pedophilia, pimping, and deceptive labor practices. In 2006, the Ministry of Justice finalized, and a government committee vetted, a draft law that, when enacted, would protect child victims of sexual exploitation and criminally punish the adult exploiters of children in prostitution. The Ministry also wrote a decree listing prohibited forms of child labor, including prostitution, domestic slavery, and forced labor. A commission began working on a bill to bring domestic laws into line with the UN Convention on Transnational Organized Crime, including stiff penalties and extradition provisions that would apply to traffickers. In Nosy Be, two French sex tourists were charged with statutory rape of children during the reporting period; they were convicted and subsequently deported. In late 2006, a Swiss tourist was sentenced to five years in prison for pedophilia. To enforce a regulation barring minors from nightclubs, the police in major cities conducted an average of one round-up of youth in these clubs per month and counseled detained minors before returning them to their parents.

Whether because of corruption often rooted in economic hardship, pressure from the local community, or fear of an international incident, local police and magistrates in tourist areas often hesitated to prosecute foreign pedophiles; officials reported significant pressure from parents who used profits from their children's sexual exploitation to support the family. The Ministry of Justice conducted training sessions for 100 magistrates on legal instruments to address trafficking. The State Secretary of Public Security (SSPS) trained 744 law enforcement officials on the rights and protection of minors.

Protection

The government sustained its adequate efforts to assist trafficking victims, rescuing 90 victims of forced child labor and commercial sexual exploitation of children (CSEC) during the year. Of the 50 victims placed at its Welcome Centers in Antananarivo and Tamatave, 36 children were reintegrated into the educational system. Another 20 children were selected for remedial education, while 20 older children were selected for vocational training and job placement with export companies. The centers, physicians provided medical and counseling services to victims, while labor inspectors taught job search skills. In September, a third center opened in Tulear. The government did not penalize trafficking victims for unlawful acts committed as a direct result of their being trafficked and encouraged them to assist in the investigation and prosecution of their exploiters. The Ministries of Justice and Population collaborated to establish two counseling centers for child exploitation victims. The Ministry of Population and UNICEF provided joint technical assistance to 11 child protection networks comprised of government institutions, law enforcement officials, and NGOs that provided counseling and rehabilitation to children in prostitution and forced labor. A network in Diego Suarez, for example, handled cases of child prostitution from the initial complaint through the trial, including medical assistance and legal advice for victims.

Prevention

Awareness of trafficking continued to increase through a number of aggressive information campaigns. In August, the Ministry of Justice screened films on CSEC in the capital, including the trafficking of rural children to urban centers. The Ministry of Tourism conducted awareness training at cultural events for 250 tourism industry personnel, as well as for women and children at risk of being trafficked in seven different locations throughout the country. The Ministry of Communication distributed posters carrying messages against sex tourism to 150 post offices and a film on the dangers of child prostitution to schools throughout the country. The SSPS conducted programs on child exploitation and prostitution for 17,700 students, 75 administrators, 22 teachers, and 100 parents. It also educated 35 hotel managers and 24 red zone neighborhoods in Antananarivo on child protection legislation. The Ministry of Education conducted workshops on the worst forms of child labor at 152 schools and 87 parent associations, and produced newspaper articles, radio programs, and television spots. The Ministry of Youth and Sports distributed fliers, posters, and banners on delaying early sexual initiation and available counseling that reached over 78,000 young people.

DEMARCHE FOR THE GOVERNMENT OF MADAGASCAR.

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act (TVPA), as amended, requires the Secretary of State to submit this Report by June 1 of each year. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. Countries determined to have a significant number of trafficking victims are assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. The text of the TVPA and amendments can be found on website www.state.gov/g/tip. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. In addition to tracking countries that move up in "tier" ratings -- from 3 to 2 or from 2 to 1 -- the Special Watch List also effectively established a new, fourth tier -- Tier Two Watch List. This tier consists of Tier Two countries determined: (1) not to have made "increasing efforts" over the past year; (2) to have avoided Tier 3 status based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population.

-- Countries classified as Tier 3 are subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance or, in some circumstances, withholding of funding for participation by government officials or employees of such countries in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 60 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, may be able to avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- A December 2005 amendment to the TVPA noted that the 2005 TIP Report ranked as Tier 3 several countries "in which the trafficking involved forced labor, including the trafficking of women into domestic servitude." The 2005 amendment called on the Department's Office to Monitor and Combat Trafficking in Persons to increase its focus on forced labor in the Tier 3 countries mentioned, as well as "other countries in which forced labor continues to be a serious human rights concern."

-- The 2005 amendment also revised the fourth minimum standard by expanding two existing criteria that "should be considered," beginning in January 2008, in evaluating whether a country is making "serious and sustained efforts" to eliminate trafficking. Therefore, next year's TIP Report (2008) will assess whether each country has adopted measures to i) "reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country;" (ii) "ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking;" and (iii) "prevent the use of forced labor or child labor in violation of international standards." The amendment further mandates that, commencing in 2008, the TIP Report evaluate whether countries take law enforcement action against nationals "deployed abroad as part of a peacekeeping or other similar mission" who participate in or facilitate severe forms of trafficking in persons.

-- On June 12, 2007, the Secretary of State will release the seventh annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 12. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC at 3:00 pm EDT on June 12.

QUESTIONS & ANSWERS

Q: What progress has Madagascar made over the last year?

-- The Ministry of Justice finalized a draft law that would protect child victims of sexual exploitation and criminally punish the adult exploiters of children in prostitution. The ministry also conducted training sessions for 100 magistrates on legal instruments that can be used to address trafficking.

-- Madagascar's court system made progress in confronting child sex tourism. Two French sex tourists were charged with statutory rape of children, convicted, and subsequently deported. A Swiss tourist was sentenced to five years in prison for pedophilia.

-- Ninety victims of forced child labor and commercial sexual exploitation were rescued during the year and placed into the formal educational system and vocational training.

-- The Ministry of Tourism conducted awareness training at cultural events for 250 tourism industry personnel. The Ministry of Communication distributed posters carrying messages against sex tourism to 150 post offices and a film on the dangers of child prostitution to schools throughout the country. The State Secretary of Public Security conducted programs on child exploitation and prostitution for 17,700 students, 75 administrators, 22 teachers, and 100 parents. It also educated 35 hotel managers and 24 "red zone" neighborhoods in Antananarivo on child protection legislation.

Q: What could Madagascar do to further its fight against trafficking in persons?

-- The government could pass and enact a comprehensive anti-trafficking law; institute an official process for law enforcement officials to refer trafficking victims for assistance; and investigate and prosecute public officials suspected of colluding with traffickers or accepting bribes to overlook trafficking crimes.